



<b>DECLARATION BY JOHN WYRICK</b>  Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No.	10050560-1
	Confirmation No.	4057
	First Named Inventor	WYRICK, JOHN
	Application Number	10/032,281
	Filing Date	December 21, 2001
	Group Art Unit	1637
	Examiner Name	Fredman, Jeffrey Norman
	Title:	"GENOME WIDE LOCATION AND FUNCTION OF DNA BINDING PROTEINS"

I, John Wyrick, declare:

1. I am the first named inventor of the above-referenced patent application.
2. The above-referenced patent application reports the results of method in which labeling of genomic DNA was labeled using a method that includes:
  - a) sonicating the genomic DNA to produce genome fragments;
  - b) blunting the genome fragments;
  - c) ligating the fragments to adaptors; and
  - d) amplifying the genome fragments using a primer that binds to the adaptors.
3. Two samples were produced using the method, one labeled with Cy-3 and the other labeled with Cy-5. Both samples were hybridized to an array of probes, and signals obtained from the array were quantified. This results obtained from the method are shown in the graph of Fig. 5B, and discussed on page 18, lines 17-21 and page 82, middle paragraph.
4. The graph of Fig. 5B shows that the method provides highly reproducible amplification of the entire genome. The success of the labeling method was unexpected.

5. These results were unexpected because there are numerous publications, including many of which I am told the Examiner is aware, that demonstrate that PCR does not amplify all sequences equally efficiency. For example, at the time of filing of the above-referenced patent application, it was well known that the relative abundance of PCR amplified cDNAs does not correlate well with the mRNA levels prior to their amplification.
6. Given that PCR does not amplify all sequences equally efficiently, I would not have expected such highly reproducible amplification of the entire genome.
7. I, John Wyrick, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title XVIII of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

4/11/2008  
Date

John J. Wyrick  
John Wyrick